

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

The Sumitomo Trust and Banking Co., Ltd.,

Defendant.

Adv. Pro. No. 11-02573 (CGM)

**ORDER DENYING SUMITOMO TRUST AND BANKING CO., LTD.'S
MOTION TO DISMISS THE COMPLAINT**

Defendant Sumitomo Trust and Banking Co., Ltd.'s (“**Defendant**” or “**Sumitomo**”) motion to dismiss the Complaint under Bankruptcy Rule 7008(a), 7009, 7010, 7012(b), and Federal Rule of Civil Procedure 8(a), 9(b), 10(c), and 12(b)(6) (the “**Motion to Dismiss**”) came on for hearing before the Court on September 14, 2022 (the “**Hearing**”). The Court has considered

the Motion to Dismiss, the papers filed in support of and in opposition to the motions, the Complaint, and the statements of counsel at the Hearing, and the Court has issued a memorandum decision, dated September 22, 2022, regarding the Motion (the “**Decision**”). For the reasons set forth in the Decision, **IT IS ORDERED:**

1. The Motion to Dismiss the Complaint is denied.
2. The deadline for Defendant to file an answer to the Complaint is November 21, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: October 6, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge